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John Halkett

## POSTSCRIPT

### TO THE STATEMENT

RESPECTING THE

### EARL OF SELKIRK'S SETTLEMENT

UPON THE

RED RIVER, IN NORTH AMERICA.



At the time when this Publication appeared in England, the Author could have no positive information on the subject of Mr. Daniel M'Kenzie's proceedings at Fort William; yet in the Narrative of the North-West Company itself, he has found sufficient materials to prove the falsity of their representations on this head, and has exposed such a tissue of inconsistencies, that any reader, who will take the trouble to follow his argument with attention, can hardly require a further refutation. But such a daring attempt to impose on the credulity of the public, deserves some further animadversion.—At the time it was brought forth, the North-West Company knew that Lord Selkirk was shut up by the ice of Lake Superior, and cut off from all communication with the civilized world. They knew that for several months at least, he could have no opportunity of replying to any misrepresentation, which they might chuse to

venture upon. They well knew that, according to Swift's observation, a political lie may often serve its purpose, though it should have currency only for a week. Having long experienced the utility even of these ephemeral fabrications, they could not be expected to lose an opportunity of declaiming for a whole season, without any chance of contradiction. The small remnant of truth, which in ordinary circumstances, they find it useful to mix up in their fabrications, might now be spared; and with the help of this extraordinary advantage, a story has been brought forth, which has not the slightest resemblance to the real fact.

On Mr. Daniel M'Kenzie's first examination, concerning the part which he had taken in the transactions at Red River, his answers were extremely contradictory to one another, and his behaviour such as to amount to a contempt. He might have declined to answer at all; but since he chose to give an account of his proceedings, Lord Selkirk thought that he might at least expect consistency. Mr. M'Kenzie was immediately after directed to be removed from the apartment that he occupied, to a building which had been commonly used as a prison by the North-West Company, and put into a room, which had been recently occupied by Mr. John Bourke.—It was not to be presumed, that a partner of that Company, would complain of this as a place of confinement, since the North-West Company themselves considered it as suitable for gentlemen in custody, having detained Mr. Bourke in the same place, for

several weeks. Mr. M'Kenzie, however, remained there only forty eight hours, before he was allowed to return to his former apartment. During the whole period of his stay at Fort William, there was not another instance, of any thing in the smallest degree approaching to severity, and even during the short period of this confinement, his own family had free access to him.

After Mr. M'Kenzie had been allowed to return to his former apartment, he expressed his consciousness, that he had been led into errors; declaring at the same time, that he had not been actuated by malicious motives, but had acted under the directions of the Montreal Agents, whose influence he had not power to withstand. He also expressed his readiness to give information, as to all circumstances which had fallen under his observation. In relating these however, he made many digressions into particulars of no moment, so that much time seemed to be requisite, in order to arrive at the information, which he could give. The time which this would have consumed, was of consequence, being otherwise much occupied; and it was suggested by Mr. M'Kenzie himself, that if he took leisure, to recal deliberately to his memory, the different occasions at which he had been present, he might recollect many particulars, which did not occur to him at the moment: he proposed therefore to retire to his own apartment, and there occasionally to write down the circumstances as they should occur to his recollection. Accordingly his further examination was deferred to a

future day: and in the intermediate time he made a number of detached memoranda of circumstances, which he recollected. During this time Mr. M'Kenzie associated with the gentlemen who had accompanied Lord Selkirk, particularly with Mr. Miles Macdonell, whose society he appeared to prefer, and he frequently sought conversations with him on the subject of his evidence, communicating the memoranda he had made, and asking his opinion concerning the narrative and the style.—Mr. M'Kenzie appeared occasionally weary with writing, probably from want of habit, and sometimes requested Mr. Macdonell to write from his dictation, which the latter (certainly not suspecting that Mr. M'Kenzie would afterwards represent the compliance as an injury,) readily agreed to. After these memoranda had been communicated to Lord Selkirk, Mr. M'Kenzie was requested to put them together, so as to be preserved in an authentic shape. In this task Mr. Macdonell assisted him, by arranging the different paragraphs in the order of time, the only point in which he went beyond the province of a mere amanuensis.

The following is the tenor of the letter, which Mr. M'Kenzie addressed to Lord Selkirk, stating the evidence which he could give:—

“ FORT WILLIAM, ON LAKE SUPERIOR,  
“ September 3d, 1816.

“ MY LORD,

“ I AM willing to give your Lordship all the information which I possess of the affairs of the North-West Company for these two or three years back, more particularly as far as they re-

" late to Red River Settlement. My memory is none of the best,  
 " but as far as these matters occur to me at present, I shall endeavour to relate them in their due order.

" The partners are not consulted on all occasions, I mean myself in particular. The late Mr. Duncan M'Gillivray gave away twenty-five pieces of provisions and liquor to the people, at the time this place was named Fort William, in honor of his brother. I paid my share of this as well others; and I heard Mr. Ogilvy, who was then our Store-keeper, find fault with such a thing having been done. I knew nothing of the transaction till I saw the pieces placed before the gallery for delivery.

" In summer of 1813, the late Mr. John Wills brought to Fort William a deserter from Red River Settlement, of the name of Walsh:—the question was whether to keep or send him back.—I heard Mr. William M'Gillivray, while walking on the gallery, find much fault with Wills for bringing him, on the principle that the Colony ought to be disorganized on a more general scale; to cover which intention it was thought most prudent to send back the deserter.

" In summer of 1814, after our Pemican had been seized by order of Captain Miles Macdonell, Mr. William M'Gillivray ordered a considerable present of provisions and liquor to be given to the people who were here from Red River:—I knew nothing of it till I heard him deliver a harangue to them from the gallery; all of which I recollect is, his dwelling on the unjust proceedings that had taken place at Red River, and finding much fault with the conduct of La Vigne on the occasion. This was done at a time when the greatest management and œconomy was required; the Americans having the preceding fall, captured or destroyed the British Fleet on Lake Erie; and had then the sole command on the upper Lakes.

" That same summer I was in the Council House, where the partners are accustomed to meet in the evening: it was proposed by Mr. John M'Donald, brother-in-law to Mr. William M'Gillivray, that a present of the amount of sixty pounds or upwards should be sent to Mrs. M'Lean, as she was friendly and wished well to the North-West Company. I objected to this proposal,



“ and told Mr. M'Donald that if he wished to make presents, he should do it out of his own pocket. I know, however, that the presents were sent, and I believe they charged me with my share of it; which will appear by the accounts. Duncan Cameron was made a Captain in the Voyageur Corps, so that he might command Captain M'Donell in Red River.

“ When I had charge at Fond du Lac, I received late in March, or the beginning of April 1814, a letter from Mr. Duncan Cameron, dated from the Forks of Red River, in which he mentioned, that he had orders to destroy the Colony, and that if he fell, he supposed that the North-West Company would appoint me to succeed him. Mr. Dugal Cameron wrote me by the same express, and mentioned that the Highlanders must be the greatest scoundrels in the world, if they took up arms against us.

“ Mr. Simon M'Gillivray was here in summer of 1815. He told the gentlemen partners in my presence, in the Council House, that he did not apprehend any bad consequences to the North-West Company, from what they had done towards the Colony in Red River. This Gentleman wrote from Fort William to Samuel Black, a clerk in our service, thanking him for his gallant behaviour in the affair where Mr. Johnston of the Hudson Bay Company fell; promising at the same time to send him a present this year from London, of a fine gun, a pair of pistols, and either a sword or a dagger, I do not recollect which. I also saw while he was here, seven or eight *habillements* given to the Half-breeds from Red River; delivered to them by Messrs. Duncan Cameron and Alexander M'Donell; they were rolled up, so that I cannot say if they were compleat. At the same time, Pangman (Bostonois,) and Antoine Noole, got each a sword. This transaction took place in the same room which I at present occupy.

“ It was proposed in Council in July, last year, that Alexander M'Donell should be sent from Red River to some other Department; to which Duncan Cameron objected, and stated, that the Half-breeds were so fond of Mr. M'Donell, they would leave Red River and follow him wherever he went. Mr. Simon M'Gillivray observed that he was glad to hear it.

“ Mr. Alexander M'Donell told me last summer, while here, that

“it was George Campbell, Angus McKay and John Matheson,  
 “that broke the back bone of the Colony. About twenty shawls  
 “were given in presents last year by Mr. John McDonald, *bras*  
 “*croche*, and Mr. Inglis, to the women of the settlers from Red  
 “River.—One Mr. Herigault, in the service of the Hudson Bay  
 “Company, arrived here in August, last year, with a canoe, go-  
 “ing with letters to Red River. One of his men named Defond,  
 “an interpreter, was taken from him by the Half-breeds, and con-  
 “fined in a part of the Fort called the Suburbs; and as I understand,  
 “before they would release him, made him put his name to a pa-  
 “per, promising, or binding him never to come to this country  
 “again.

“Alexander Fraser, the Half-breed, a clerk in the service of  
 “the North-West Company, who has been so active in Red River,  
 “was here last summer, on his way down to his friends; and was  
 “prevailed on by the solicitations of Messrs. McDonnell and Cameron  
 “to go with them to Red River, promising him to make him Chief  
 “of the Half-breeds of Red River; Mr. McDonnell promised to re-  
 “sign his Lieutenantcy in his favor. Being here at the time, I have  
 “a perfect knowledge of the first part: the Lieutenantcy, Fraser  
 “told me of himself this summer. I told Captain Miles last year,  
 “either at this place or on the passage to the Sault St. Mary, that  
 “they, (the North-West Company,) were going to send all the  
 “Half-breeds to Red River.—My son Roderick was two years on  
 “my hands, after coming of age to be useful. I could not get him  
 “placed in the Company’s service till last year, when they were en-  
 “gaging all the Half-breeds for Red River. He was taken on a  
 “contract for seven years:

“Mr. Thain was very angry when he heard of Lagimodiere’s  
 “arrival at Montreal, and said that the North-West Company’s  
 “people were blockheads to let him pass their posts. This spring,  
 “before leaving Montreal, I asked Mr. Thain in his Counting  
 “House, if they (the North-West Company,) wished the Colony  
 “to be destroyed? he answered, “yes.”

“Messrs. Thomas Murray, Robert Henry, Charles Grant, J.  
 “W. Dease, and Ferries, were spoken to this spring at Montreal  
 “by Mr. William McGillivray, who told them that they should all

" have to go to Red River, to take a temporary charge of posts ;  
 " that it was most likely there would be warrants against Duncan  
 " Cameron and Alexander M'Donell, and that these gentlemen  
 " might consequently have to go out of the way for a time. The  
 " above gentlemen acquainted me with this before we left town.  
 " Mr. M'Gillivray told myself in Mr. Thain's Counting House, in  
 " presence of that gentleman and Kenneth M'Kenzie, that my ser-  
 " vices were wanted ; and directed me to go to Drummond's Isl-  
 " and and Michillimackinac to purchase there all the provisions,  
 " canoes, &c. &c.—to prevent the Earl of Selkirk and his people  
 " from getting to the interior. I came up with Mr. A. N. M'Leod,  
 " who sent me from Point Tessalon on Lake Huron, on this busi-  
 " ness. I also carried Despatches from Government to Lieutenant  
 " Colonel M'Douall, Commandant of Drummond's Island. After  
 " executing all that I could of the business I was sent upon, I came  
 " to the Sault St. Mary, and was there in June last, when Mr. M'Gil-  
 " livray arrived from Montreal, accompanied from Drummond's Isl-  
 " and by Lieutenant Colonel M'Douall.

" I took a passage with Mr. M'Gillivray from the Sault to Fort  
 " William ; we put in at the trading post of Michipicoton, and just as  
 " we were embarking to proceed on our journey, a light canoe touch-  
 " ed there, coming to meet Mr. M'Gillivray. By it he received a  
 " letter from Mr. A. N. M'Leod, stating that we (the North-West  
 " Company,) had been in a most shameful manner driven from the  
 " country ; that Lagimodiere must be stopped ; and that orders had  
 " been sent for that purpose ; that Morrison had orders to raise the  
 " Indians of Fond du Lac. Mr. M'Gillivray gave me the perusal  
 " of this letter, but as far as I remember, said nothing at the time.

" The first or second day after our arrival at Fort William, a  
 " Saulteur Indian from Fond du Lac, step-son to one of our Cana-  
 " dians named Charette, asked me for some rum, telling me at the  
 " same time that he was one of those Indians who had lately taken  
 " the letters at Fond du Lac. He repeated his request different  
 " times. There were then here three Courte-Oreille Indians lately  
 " from the same quarter, all of whom we understood to have been  
 " at the taking of the letters. They all came into the great Hall,  
 " pressing for ammunition and other articles. I heard Mr. M'Gilli-

"vray say, that they ought to be sent away as soon as possible, and  
 "that they should not have been allowed to come here, or be seen  
 "at all.

"When I was about to set out from Fort William, early in July  
 "last, to go to Red River, Mr. M'Gillivray told me to bring as  
 "many Indians along as I could :—he did not say for what purpose.  
 "Mr. M'Leod had gone into the interior in the spring, and we had  
 "not yet heard the events of the 19th of June. I left this with a  
 "brigade of Iroquois Indians, consisting of between forty and fifty  
 "men, including two or three boys employed as cooks. Mr. Ken-  
 "neth M'Kenzie told me, that there was no occasion for giving me  
 "instructions ; but *Ignace*, who is an Indian Chief and guide of the  
 "brigade, was a long time with Mr. M'Gillivray, in his room, be-  
 "fore setting out. At the mouth of Winipic River, I left Ignace  
 "and all the Iroquois, except six men, and Pierre the Negro, that I  
 "took with me to Red River. I found some Indians at Lac a la  
 "Pluie, who I was informed had refused to accompany Mr. M'Leod ;  
 "but I think would have gone with me had I asked them.—I met  
 "at the Sturgeon Lake, the light canoe in which were Mr. Hughes,  
 "Lieutenants Mesani and Brumby, coming from Red River. They  
 "brought the first accounts of the unfortunate state of affairs there.  
 "Hughes told me that there was a letter found from the Earl of Sel-  
 "kirk to Captain Macdonell, of nine pages long, wherein his  
 "Lordship recommends economy, and that their clerks might pass  
 "the year, with two pounds of tea, as well as the North-West  
 "clerks.

"While at Lac a la Pluie, a free Canadian, named Vincent Roy,  
 "gave me a letter from Captain Miles Macdonell, addressed to the  
 "Earl of Selkirk, which Roy said he had from Hector M'Donald,  
 "the Piper. John Sayer, the North-West Company's clerk, then  
 "in charge of the post, was going to open it, but I hindered him,  
 "and enclosed the letter to Mr. Wm. M'Gillivray, in presence of  
 "Sayer, Roy, Ferriés, and I believe, Harrison, who left the place  
 "for Fort William on that or the following day.

"On my return from Red River, I met Mr. A. N. M'Leod, at the  
 "entrance of Rivière au Foin, near the Two River Portage, on his  
 "way to the interior ; I told him that young Troquet, the *Métis*,

“ who had been wounded in the affair of the 19th June, was probably dead before then. ‘ So much the better,’ said Mr. M’Leod, ‘ the more of them that are killed, the more they (the Half-breeds,) ‘ will be exasperated.’ Mr. Keith was present, going in with M’Leod.

“ I met Mr. Alexander M’Donell, early in August, at the rapids this side of the Mountain Portage : he there told me, that there, “ was a large order at Fort William, from the Half-breeds, for goods “ and equipments ;—that they were already made up and were to “ be sent in.

“ After my arrival here from the interior, Mr. M’Gillivray told me, on the gallery, that there were, I think he said, either twelve “ or thirteen loaded canoes to be sent to Red River, and that the “ returns would not pay for five of them ; however, said he, that is “ not the question. These canoes would have gone off long before “ your Lordship’s arrival, but that there were not men to take them.

“ I saw in a cupboard in the Council House, some letters taken “ from Lagimonière ; they were open, and I read one from Mr. “ Pillet to Colin Robertson, and Warrants in Mr. Stuart’s hand writing, signed *Selkirk*, against Pangman, (Boskénos,) Cuthbert “ Grant, William Shaw, &c. I have no doubt that the packet Lagimonière had, was brought to Fort William before I went to Red “ River ; but I did not see any of the letters till my return.—A few “ days before your Lordship appeared here, Mr. M’Gillivray asked “ me repeatedly to go to Red River for the winter, and that Mr. “ Hugh M’Gillis would avail himself of his rotation, to go to see his “ friends below : this proposal I declined.

“ After our arrest, I went to visit Mr. William M’Gillivray in his “ room, to consult with him, if I should tell your Lordship, on my “ examination, that there were yet nine or ten men with Mr. John “ M’Kay, trading for the Hudson Bay Company, at Qui Appelle River,—that Cuthbert Grant told me, when at Red River, that he “ would go and bring them away, but that, at my desire, he promised not to molest them. Mr. M’Gillivray charged me not to mention any thing to your Lordship about this, as otherwise it would “ shew, that the North-West Company have a control over the “ Half-breeds.

“ I was always suspected of having had a wish to join the Colony  
 “ on Red River; and since the arrest of myself, and the other gen-  
 “ tlemen, I have been suspected of turning informer. Mr. Kenneth  
 “ M’Kenzie, either on the day before, or that of his departure,  
 “ threatened my life, saying, ‘ If ever I am acquitted, I’ll blow out  
 “ ‘ your brains.’ We are seldom or never consulted; I mean myself  
 “ in particular.—I did not know that Mr. Spencer was to have been  
 “ arrested. The first news I had of it, was by the return to Fond  
 “ du Lac, of two men I sent late in the fall, for goods, to Lac la  
 “ Pluie. Nor did I know of Captain M’Donell’s being arrested, till  
 “ my arrival here from my wintering place at Fond du Lac.

“ I have the honor to be,

“ My Lord,

“ Your Lordship’s most obedient,

“ And most Humble Servant,

(Signed)

“ DANIEL M’KENZIE.

“ To the Right Honorable

“ The Earl of Selkirk.”

This letter, being written in pursuance of Mr. M’Kenzie’s examination upon oath, was considered as a continuation of it, and though Lord Selkirk omitted to take his oath again upon the letter, and to attest it as a deposition, (an error into which he was led by a doubt as to the proper and legal mode of proceeding, and the want of books to refer to,) no doubt was entertained of Mr. M’Kenzie’s sincerity, so far as the declaration went. The circumstances (some of them indeed trivial,) had come out with a simplicity, very unlike the manner of a man who had made up a fabricated story.—The consistency and probability of the facts related, carry an air of truth, which Mr. M’Kenzie’s subsequent tergiversation cannot take away: and an attentive reader can hard-

ly fail to remark, that if the fact had been, as stated in the Narrative of the North-West Company, if Mr. M'Kenzie had been urged to relate occurrences, that were not consistent with his own knowledge, several of the statements might by a very small alteration, have been rendered much more conclusive as legal evidence.—If Lord Selkirk and his friends, had been disposed to act in the unprincipled manner, which is represented in the North-West Company's Narrative, is it likely that they would have stopped short of their object?—That Lord Selkirk was sincerely persuaded of the truth of Mr. M'Kenzie's declaration, is evident, from the very circumstance of his urging him to go to Montreal as a witness, which Mr. M'Kenzie himself was averse to.—He repeatedly expressed his desire to go into the interior along with Captain D'Orsonnens, who was then about to set out for Red River, and urged as an inducement for Lord Selkirk to accept of this offer, that by his influence with the Half-breeds, he could render important services. If instead of a fair examination, Mr. M'Kenzie had been induced while “in a constant state of intoxication,” or under an impression that his “life was in danger,” to write “whatever letters, or other papers, were dictated to him,” is it to be supposed, that he would have been immediately sent off as a witness to Montreal?—In what manner Mr. M'Kenzie was induced to retract what he had said and done, may be gathered from the subjoined affidavit of his fellow traveller Mr. Pritchard.

Some time after Mr. M'Kenzie had been set at liberty, he expressed, in conversation with Mr. Miles Macdonell, his anxiety respecting some pecuniary obligations, which he had come under, for the purchase of the provisions at Michillimakinac, which (as mentioned in his letters,) had been bought up by order of Mr. M'Gillivray for the purpose of distressing and impeding the progress of Lord Selkirk and his settlers, towards Red River. Mr. Macdonell observed, that Lord Selkirk would be glad to buy these provisions. The question then occurred, how far Mr. M'Kenzie had a right to sell them; on which Mr. Macdonell observed, that since he had bought them, he must assuredly have a right to sell them again. This led to further discussions, as to the powers which one partner might exercise over the property of the partnership; and Mr. M'Kenzie expressed his inclination to sell the whole of the Company's property at Fort William, as it would be more advantageous to the concern at large, to secure the value of this property by a reasonable agreement with Lord Selkirk, than to let it fall into the hands of the Montreal Agents, by whom it was likely to be misapplied. He explained that the Montreal Agents had such preponderating influence, as to bear down all opposition in the Councils of the Company, and to rule the partnership with despotic sway; yet, that in fact, they constituted a separate concern, and had very different interests from the wintering partners, who were the genuine partners of the North-West Company. He represented the



conduct of the Montreal Agents, as having been for a long time past, very unfair, and even fraudulent; always sacrificing the common interest to promote their own separate advantage; and he expressed his opinion that these Agents, in order to cover themselves from the consequences of their actions, would throw away, upon law proceedings and bribery, a great deal of the property of the wintering partners, which it was better to secure for the benefit of those, who were not implicated in their crimes.

From these views Mr. M'Kenzie proposed a sale of all the property of the North-West Company at Fort William, to which Lord Selkirk agreed, but on condition, that it should be accompanied by a reference to Arbiters, of all civil claims for damage on either side. After a good deal of discussion an arrangement was concluded, upon principles so evidently fair and equitable, that it is only by suppressing the truth, and misrepresenting the nature of the transaction, that any plausibility could have been given to the allegation, that it was extorted from Mr. M'Kenzie, by unfair means. In order to shew the real state of the case, full copies of the deeds are subjoined. Stripping them of their technical phraseology, they amount to this:—That an Arbitration was to be entered into, for an investigation and settlement of all damages on either side;—Lord Selkirk agreeing to make compensation to the North-West Company, for all pecuniary damages, occasioned to them by any wrongful acts of his agents, servants, or adherents, whether by his own order or not:—

Mr. M'Kenzie on the other hand, in the name of the North-West Company, agreeing, in like manner, to make compensation for the damages occasioned to Lord Selkirk, or his settlers, by any wrongful acts of the partner's clerks, servants, or adherents of the Company, whether by their order or not.—In order to ensure that the Arbiters should be men of perfect impartiality, as well as of adequate talents and character, the nomination was to be left to the two Chief Justices of England.—It was agreed at the same time, that the goods and moveable property of every description, at Fort William, should be sold to Lord Selkirk, at the prices at which they were found valued in the Inventories of the Company; with the exception of the furs, that were packed up ready for exportation, which were to be consigned to the Arbiters, and the proceeds of their sale to be held by them in trust, till their investigations should be concluded. It was on the other hand agreed, that Lord Selkirk should convey to the Arbiters, an estate of equal value, so that they should have adequate funds in their hands, to pay the amount of their award to whichever side it might be found due.—As a further measure to establish and give effect to these arrangements, the furs were transferred to Lord Selkirk, by the form of a sale, for a nominal price, but under a condition that the sale was to be of no effect, if the other partners should not obstruct the consignment of the furs to the Arbiters.

Mr. M'Kenzie was sensible that this arrangement would not prove agreeable to the Montreal Agents.

as it interfered not only with their emoluments, but also with their influence and power, over the rest of the concern, which could not be kept up unless they had in their own hands all the property of the wintering partners; but he observed, and with great appearance of reason, that he was under no obligation to consult the interests of the Montreal Agents, when they were at variance with those of the principals of the concern, with whom alone he was in partnership. In securing the value of the property in question, he maintained, that he had served the interests of his partners. Such was undoubtedly the view of the matter, which Mr. M'Kenzie entertained, when he left Fort William; but on his voyage towards Montreal, he was met on Lake Huron, by several of his partners, who had been liberated on bail, and were then on their way, with one hundred and fifty Iroquois in arms, to retake Fort William, avowing their intention to recover possession by fair means or foul, by legal pretexts, or open violence, full of boasts of the feats they were to achieve, and the vengeance they were to take on all their enemies, declaring that if Lord Selkirk was not killed in the assault, he should be brought down in irons, and perhaps with the view of giving him in custody to some person as faithful and trusty as Reinhart, or Mainville. By these gentlemen Mr. M'Kenzie was taken, from the canoe in which he was proceeding, and being once in the hands of persons who understood how to play upon all his weaknesses, he was soon persuaded, that the Montreal Agents had succeeded in ob-

taining from Government complete absolution and a plenary indulgence, for all crimes committed, or to be committed, and that their despotism was re-established more amply than ever; so that in dread of their vengeance he was glad to purchase his peace, by signing or swearing any thing they chose to dictate.

It was certainly wrong in Lord Selkirk, to enter into any transaction whatever, with such a man, or in circumstances that led to so great a probability of misrepresentation; but it is not to be supposed that if he had avoided this step, his conduct would have been less severely censured.—The talents of his adversaries at misrepresentation, are not to be disarmed, by any human degree of prudence: where a blot cannot be found, one may always be invented; and among their dependants they have no difficulty in finding men, to whom the most enormous perjury will cost no effort.

*Montreal, May, 1818.*

### *Reference to Arbiters.*

WHEREAS, divers disputes and controversies, have arisen between the Right Honorable Thomas, Earl of Selkirk, on the one part, and the Honorable William M'Gillivray, Roderick M'Kenzie, Angus Shaw, Daniel M'Kenzie, John M'Donald, Archibald Norman M'Leod, Alexander M'Dougall, Duncan Cameron, James Hughes, Hugh M'Gillis, John M'Gillivray, James M'Kenzie, Simon Fraser, John Duncan Campbell, David Thompson, John Thompson, Alexander Fraser, Eneas Cameron, Sir Alexander M'Kenzie, Thomas

Forsyth, the Honorable John Richardson, John Forsyth, Edward Ellice, John Inglis, John Inglis, junior, James Forsyth, the Honorable John Mure, Pierre Rocheblave, Alexander M'Kenzie, John M'Donald, John Haldane, Thomas Thain, Robert Henry, James Leith, Archibald M'Lellan, Ronald Cameron, John George M'Tavish, James Grant, John M'Laughlin, John Dougal Cameron, Alexander Stewart, John Stewart, Angus Bethune, Alexander M'Donell, James Keith, George Keith, Thomas M'Murray, Allan M'Donell, John M'Bean, Donald M'Intosh, and others, Merchants, trading under the firm of the North-West Company, on the other part; and Whereas, it is alledged on the one hand, that the partners, clerks, and servants of the said Company, have been guilty of various illegal aggressions, trespasses and injuries, against the property of the said Earl, and the persons and property of the settlers, established under his patronage at Red River, in the Territories of the Hudson's Bay Company; and Whereas, it is alledged on the other hand, that the agents of the said Earl, and persons in their employment, have been guilty of illegal aggressions, trespasses and injuries, against the property of the North-West Company: now for the ending and deciding of the said disputes and controverties, it is hereby mutually agreed, by and between the said parties, that all matters and difference between them, in regard to damages arising from such alledged injuries, aggressions and trespasses on either side, shall be referred to the arbitrament, final end, and determination of any two or more Arbitrators, who may be nominated for that purpose, by the Lord Chief Justice of the Court of King's Bench, and the Lord Chief Justice of the Court of Common Pleas at Westminster: and it is also mutually agreed, by and between the said parties, that the said Earl shall be bound to indemnify the said Company, for all damages occasioned by the acts of his agents and those acting under their command, whether the same may have been done by the direction of the said Earl or otherwise; and that the said Merchants, trading under the firm of the North-West Company, shall, in like manner, be jointly and severally bound, to indemnify the said Earl, and the settlers, established at Red River, as aforesaid, for all damages occasioned to him or them, by the acts of any of the partners, clerks or servants of the said Company, whether the said acts have been done by the direc-

tion of the said Merchants or otherwise ; and that both parties shall be bound to pay such sums as the said Arbitrators, or any two of them, shall award to be paid on account of such damages, so as the said Arbitrators, or any two of them, do make and publish their award in writing, ready to be delivered to the said parties, or such of them, as shall desire the same, on or before the first day of December, in the year of our Lord, eighteen hundred and nineteen. And it is understood and mutually agreed, by and between the said parties, that this submission shall have no effect in precluding either party from carrying on prosecutions against any of the individuals, who may have been guilty of offences against law, in respect to the aggressions, trespasses and injuries, alledged as aforesaid :—and it is hereby further mutually agreed, by and between the said parties, that this submission shall be made a Rule of His Majesty's Court of King's Bench, at Westminster, and likewise of the Court of Session, at Edinburgh, and of the Courts of King's Bench for Upper-Canada, and for the Districts of Quebec and Montreal, in Lower-Canada.—In witness whereof, the said parties, viz : the Earl of Selkirk, on the one part, and Daniel M'Kenzie, one of the said Merchants, under the firm of the North-West Company, for, and in behalf of the said Company, have set their hands and seals to these presents, written by John Spencer, and subscribed at Fort William, on Kaministiquia River, on the nineteenth day of September, in the year of our Lord, eighteen hundred and sixteen, before these witnesses : Miles Macdonell, Esq. Governor of Ossiniboia, Captain Frederick Matthey, late of De Meuron's Regiment, Lieutenant Frederick Graffenreid, of the same, Alexander Bridport Becher, of the Royal Navy, John Allan, Surgeon in the Royal Navy, John Prichard, and John Spencer, both of Red River, James Taitt, of Fort William, Alexander Kennedy, clerk of the North-West Company, Donald M'Pherson and Charles Bouck, clerks to the Hudson Bay Company.

(Signed)

DANIEL M'KENZIE, (L. S.)  
SELKIRK, (L. S.)

Signed, Sealed and Delivered, (no Stamps being required in this Province,) in present of }

(Signed) { MILES MACDONELL,  
F. MATTHEY, *Captain*,  
FR. DE GRAFFENREID,  
ALEX. BRIDPORT BECHEE,  
JOHN ALLAN,  
JOHN PRITCHARD,  
JOHN SPENCER,  
JAS. TAITT,  
ALEX. KENNEDY,  
DONALD M'PHERSON,  
CHARLES BOUCK.



*Deposit in the Hands of the Arbiters.*

WHEREAS, a submission has this day been entered into, by and between Thomas, Earl of Selkirk, on the one part, and Daniel M'Kenzie, for, and in behalf of the Merchants, trading under the firm of the North-West Company, on the other part; by which all disputes and controversies between the said Earl and the said Company, are referred to the arbitration of any two or more Arbitrators, who may be nominated for that purpose by the Lords Chief Justices of the Courts of King's Bench and Common Pleas, at Westminster, declaring that the said Earl shall indemnify the said Company, for all damages occasioned to their property, by the acts of his agents, and of those acting under their command; and that on the other hand, the said Merchants shall be bound, jointly and severally, to indemnify the said Earl, and the settlers, established under his patronage at Red River, for all damages to his or their persons or property, occasioned by the acts of any partners, clerks, or servants of the said Company; and that both parties shall be bound to pay such sums as the said Arbitrators, or any two of them, shall award to be paid on account of such damages:—And Whereas, it is necessary that the payment of such award be effectually provided for, it is therefore mutually agreed, by and between the parties aforesaid, viz.—the said Earl of Selkirk on the one part, and the said Daniel M'Kenzie, for, and in behalf the Merchants, trading under the firm of the North-West Company, on the other part; that the said Earl shall execute a conveyance of an Estate, of the value

of three thousand pounds yearly, to be held in trust by the said Arbitrators, till their final award and determination be made and published, upon the matters referred to them by the submission aforesaid, with power to the said Arbitrators to sell the said Estate, or such part thereof, as may be necessary to pay the amount of their award, in case it be given against the said Earl; and on the other hand, that the said Daniel M'Kenzie, for, and in behalf of the North-West Company, shall consign to the said Arbitrators, all the Furs of whatever description, now packed up for exportation, in the stores of the said Company, at Fort William, with power to them to dispose of the said Furs, and after paying all charges upon the same, to hold the neat proceeds thereof, in trust, till their final award and determination be made and published, upon the matters referred to them, and to pay the amount of their award out of the same in case it be given against the North-West Company. In witness whereof, the said parties, to these presents, have hereunto set their hands and seals, at Fort William, on the Kaministiquia River, the nineteenth day of September, in the year of our Lord, one thousand, eight hundred and sixteen, and of His Majesty's Reign, the fifty sixth.

(Signed)

DANIEL M'KENZIE, (L. S.)  
SELKIRK, (L. S.)

Signed, Sealed and Delivered in presence of (no Stamps being required in this Province.)

(Signed)

MILES MACDONELL,  
*Governor of Ossinihoia.*  
FR. DE GRAFFENREID,  
*Lieutenant, late of De Meuron's Regt.*  
ALEX. BRIDPORT BECHER,  
*Royal Navy.*  
JOHN ALLAN,  
*Surgeon, Royal Navy.*  
JOHN PRITCHARD, *Red River.*  
JOHN SPENCER, *Red River.*  
JAS. TAITT, *Fort William.*  
ALEX. KENNEDY, *Fort William.*  
DONALD M'PHERSON,  
*Clerk of the Hudson Bay Co.*  
CHARLES BOUCK,  
*Clerk of the Hudson Bay Co.*



*Sale of Furs by Mr. Daniel M'Kenzie to Lord  
Selkirk.*

FORT WILLIAM, ON LAKE SUPERIOR,

September 19th, 1816.

MY LORD,

In the name of the North-West Company, I hereby authorize your Lordship, to take possession of the Furs, at this post, packed up for exportation, and consisting of 588 packs marked N. W.—and numbered with various numbers, from 561, to 1175, and 46 packs marked A; and numbered, from 1 to 46—and also 23 kegs Castorum; all of which, I hereby sell to your Lordship, for the sum of one hundred pounds lawful money of Great Britain, but under the following conditions, viz.—that if my partners acquiesce in the submission for referring to Arbitration the differences between your Lordship and the North-West Company, and for consigning these Furs to the Arbitrators, then this sale to be null and void; and your Lordship shall, in pursuance of our agreement, consign these Furs to some respectable Mercantile House in London, to be held at the disposal of the Arbitrators, who may be nominated by the Chief Justices of the Courts of King's Bench and Common Pleas, at Westminster, according to the submission.

I have the honor to be,

My Lord,

Your Lordship's most obedient,

And very Humble

Servant,

(Signed)

DANIEL M'KENZIE,

To the Right Honorable

The Earl of Selkirk.

*Sale of Merchandise and Moveable Effects by Mr.  
Daniel M'Kenzie to Lord Selkirk.*

THIS INDENTURE, made on the nineteenth day of September, in the year of our Lord, eighteen hundred and sixteen, between Daniel M'Kenzie, one of the Merchants, trading under the firm of the North-West Company, for, and in behalf of the said Company, on the one part, and Thomas, Earl of Selkirk, on the other part, Witnesseth, that in consideration of the sums of money herein after mentioned, the said Daniel M'Kenzie, hath sold, demised and conveyed, and does hereby sell, demise and convey, to the said Earl, all the goods and chattels, of whatever denomination, belonging to the said Company, now at their trading post, called Fort William, excepting the Furs packed up for exportation;—In consideration whereof the said Earl, does hereby covenant and agree, to pay to the said Daniel M'Kenzie, on behalf of the said Company, a sum of money equal to the prime cost of the said goods and chattels, together with the amount of the charges actually incurred, for bringing them to Fort William; which money is to be paid in the following installments: viz.—a sum of fifty pounds, lawful money of Great Britain, at or before the ensealing and delivery of these presents, (the receipt whereof is hereby acknowledged;) a farther sum of two thousand pounds, to be paid in London, on or before the first day of December, in the year eighteen hundred and seventeen; and the remainder of the said price, within one year, after a final award shall have been given, upon the matters in dispute, between the said Earl and North-West Company, which by a submission entered into of this date, by and between the said Earl, and the said Daniel M'Kenzie, on the part of the North-West Company, have been referred to the arbitration of two or more Arbitrators, to be nominated for that purpose, by the Chief Justices of the Courts of King's Bench, and Common Pleas, at Westminster.—In witness whereof, the said parties, to these presents, have hereunto set their hands and seals, at Fort William, the day and year aforesaid.

(Signed)

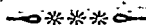
DANIEL M'KENZIE, (L. S.)

SELKIRK,

(L. S.)

Signed, Sealed and Delivered (no Stamps being required in this Province,) in presence of

(Signed) {	MILES MACDONELL, <i>Governor of Ossiniboua.</i>
	FR. DE GRAFFENREID, <i>Lieutenant, late of De Meuron's Regt.</i>
	ALEXR. BRIDPORT-BECHER, <i>Royal Navy.</i>
	JOHN ALLAN, <i>Surgeon, Royal Navy.</i>
	JOHN PRITCHARD, <i>of Red River.</i>
	JOHN SPENCER, <i>of Red River.</i>
	JAS. TAITT, <i>of Fort William,</i>
	ALEX. KENNEDY, <i>Clerk of the North-West Co.</i>
	DONALD M'PHERSON, <i>Clerk to the Hudson Bay Co.</i>
CHARLES BOUCK, <i>Clerk to the Hudson Bay Co.</i>	



*Letter from Mr. Daniel M'Kenzie to Lord Selkirk.*

FORT WILLIAM, ON LAKE SUPERIOR,

October 10th, 1816.

MY LORD,

As the making up of exact Schedules of the property of the North-West Company, which I have sold to you at this place, will take more time, than can be afforded at this advanced period of the season, I have to request that your Lordship will cause them to be sent, as soon as ready, to Montreal; where I will add my signature. I am fully satisfied of the accuracy of the Inventories taken by Messrs. Pritchard, Kennedy and Spencer, and as no document can be found here for ascertaining the actual cost of the goods, I have no objection to the different articles being valued at the same prices, as in the Inventories made out in June last, or at those of the Proprietors' Tariff. The Indian debts of the post,

to be included in the valuation, according to the rate followed in other cases; and any Furs of the summer trade, which may remain unpacked, to be valued at the Tariff of the year.

The frame of the new schooner, to be valued by competent tradesmen.

I have the honor to be,

My Lord,

Your Lordships's most obedient,

And very Humble Servant,

(Signed)

DANIEL M'KENZIE.

To the Right Honorable  
The Earl of Selkirk.

—\*\*\*—

### *Deposition of John Pritchard.*

Provinces of Lower and } DEPOSITION of John Pritchard, taken  
Upper Canada, and } before me, one of His Majesty's Special  
Indian Territories:— } Commissioners, for enquiring into the  
Offences committed in the Indian Territories, and one of His Majesty's Justices of the Peace, for the said Indian Territories, and for the Western District of Upper Canada.

The said John Pritchard, being duly sworn on the Holy Evangelists, deposeth and saith, That he arrived at Fort William, on the River Kamanistiguia, about the tenth day of September, 1816, on his return from Lake la Pluie, where he had proceeded in hopes of conveying, into the interior, the Proclamation; but had found the country in so disturbed a state, as to render it dangerous to proceed.—That on his arrival as aforesaid, he found Daniel M'Kenzie, one of the partners of the North-West Company, who had perviously been arrested by the Earl of Selkirk, at large in the said Fort. That prior to deponent's going up to Lake la Pluie, as aforesaid, he had seen the said Daniel M'Kenzie, on several occasions; first, when he himself had been set at liberty, on the arrival of the Earl of Selkirk, in the neighbourhood of Fort William, at which time the said Daniel M'Kenzie, requested him to inform the Earl of Selkirk, that

he, the said Daniel M'Kenzie, was the last arrived from Red River, and should be happy to give his Lordship any intelligence : that he had afterward seen him once or twice, whilst a prisoner in his own room : lastly, when in the prison of the Fort, and that he had appeared to deponent much depressed, and anxious to disclose the crimes in which he and his partners had participated, and had been asked by him, whether he could be received as King's evidence ; and that he had further acknowledged, that he had answered the said Earl foolishly, which was the cause of his having been removed to prison. That the deponent had stated in reply, that it would certainly be his interest, either to say nothing, or to come forward, and declare the whole truth fully and openly. That nothing, however, further had taken place previous to this deponent's proceeding to Lake la Pluie ; but that upon deponent's return to Fort William, he was informed and verily believes—that the said Daniel M'Kenzie had made a full disclosure, in writing, in consequence whereof, he was set at liberty, and that this deponent has himself frequently heard the said M'Kenzie declare, that his testimony alone was sufficient to hang Mr. M'Gillivray—towards whom, the said M'Kenzie, at all times expressed great hostility.—That some days after this deponent's arrival at Fort William, as aforesaid, he had a knowledge of a sale made by the said Daniel M'Kenzie, of the moveable property at Fort William, to the Earl of Selkirk, and that deeds were duly executed for the same, as well as for a submission to Arbitration—and that the deponent has a certain knowledge, that in agreeing to this sale, and executing the other papers before mentioned, the said Daniel M'Kenzie acted without any restraint whatsoever, and appeared to consider the arrangement made, as advantageous to himself and the other wintering partners ; and that afterwards when the deponent and Mr. John Spencer, were employed to take an Inventory of the effects, on behalf of the Earl of Selkirk, with Mr. Alexander Kennedy, on behalf of the North-West Company,—the said Daniel M'Kenzie frequently attended and gave orders to Mr. James Taitt, to deliver up the keys of each store, as soon as the Inventory of the property in the same, was taken and agreed upon, which was accordingly done by the said Taitt, who was the clerk in charge ; and that while the said Inven-

tory was taking, the said Daniel M'Kenzie frequently expressed his anxiety that the amount thereof should prove large—appearing to consider it as so much property saved to the North-West Company's wintering partners, which would otherwise be expended by Mr. M'Gillivray in law.—That soon after the said Inventory was completed, the said Daniel M'Kenzie, stated to deponent, his wish to go to Red River, where he said he might be serviceable, from his influence with the Half-breeds; but that deponent having communicated the same to the Earl of Selkirk, learnt, that the testimony of the said Daniel M'Kenzie, was so important, that he must be sent down to Montreal; and he accordingly embarked some days afterwards with this deponent, who went down with prisoners; the said Daniel M'Kenzie, having a general charge of the brigade which consisted of three canoes, partly manned with servants of the North-West Company, returning home, and being under no sort of restraint; but going down, as deponent understood, as a voluntary witness, zealous for the discovery of truth, without its having been deemed necessary to put him under recognizance.—That at Sault Ste. Marie, they met with Pierre de Rocheblave, a partner of the North-West Company, who took away two of the canoes and a part of the provisions, and the North-West men, who had come down with them.—That the deponent afterwards proceeded, with the said Daniel M'Kenzie, and others, across Lake Huron, in two boats, but that they were met on their way, first by John M'Laughlin, a partner of the North-West Company, who had some conversation with the said Daniel M'Kenzie, and afterwards by John M'Donald, also a partner of the said Company, together with William Smith, the under sheriff of the Western District of Upper Canada,—with whom the said Daniel M'Kenzie, whose spirits had appeared much depressed from the period of leaving Sault Ste. Marie, embarked, saying to this deponent, that he was obliged to do so, as a prisoner for selling Fort William, although the deponent saw no species of coercion used towards him. And the deponent further saith, that he left at Sault Ste. Marie, in the charge of one Xavier Biron, four packs of Furs, marked R. R. S. which he brought with him from Fort William, and which he has been informed and verily believes, consisted of Furs, which had been traded during the sum-

mer, at Fort William, by James Taitt, a clerk of the North-West Company, and partly by Donald M'Pherson, a clerk of the Hudson Bay Company, after the sale and delivery of the moveable property, at Fort William, aforesaid; and that the said Furs, so traded by James Taitt, were included in the Inventory, and always considered as separate and distinct from the other Furs packed up for exportation.

(Signed)

JOHN PRITCHARD.

Sworn at Montreal, the 6th

March, 1818, before me,

(Signed)

W. B. COLTMAN.

